

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: July 16, 2009

JUDGE LEONARD DAVIS

REPORTER: Shea Sloan

LAW CLERKS: Matt Acosta, Andrea Houston

MICHAEL S. SUTTON, LTD Plaintiff vs. NOKIA CORPORATION Defendants	CIVIL ACTION NO: 6:07-CV-203 MARKMAN HEARING and MOTION FOR SUMMARY JUDGMENT
ATTORNEYS FOR PLAINTIFFS	ATTORNEY FOR DEFENDANT
Andy Tindel Guy Fisher Matthew Juren Tim Johnson Guy Matthews	Diane DeVasto Alexas Skucas Mark Francis Mike Jones

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 AM

ADJOURN: 12:00 pm

TIME:	MINUTES:
9:00 am	Case called. Court asked for announcements. Mr. Tindel introduced for Plaintiff, Mr. Fisher, Mr. Juren, Mr. Johnson, and Mr. Matthews. For Defendants, Ms. Devasto introduced Mr. Skucas, Ms. Kim, Mr. Francis and Mr. Jones.
9:04 am	Court asked for parties to provide overview of their claims. Mr. Matthews presented for Plaintiff.
9:11 am	Mr. Skucas presented for Defendant.
9:16 am	First term to address, Control Message . Mr. Matthews presented for Plaintiff.
9:24 am	Mr. Skucas responded.
9:26 am	Mr. Matthews and Court discuss subchannel bytes as to formatting and then embodiments.
9:27 am	Mr. Skucas gave final word.

DAVID J. MALAND, CLERK

FILED: 7.16.2009

BY: *Rosa L. Ferguson*, Courtroom Deputy

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TIME:	MINUTES:
9:30 am	Court asked Mr. Skucas to address the term stuffing .
9:39 am	Court asked Mr. Matthews for response. Court recommended definition for the term stuffing for the parties to discuss.
9:46 am	Mr. Skucas replied that Defendant would accept Court's recommended definition for the term stuffing .
9:48 am	Mr. Matthews provided additional comments with regard to transmitting. Court suggested taking off reference to transmitting. Plaintiff and Defendant agreed to Court's interpretation as to the term stuffing .
9:50 am	Court asked for discussion as to subchannel . Mr. Matthews presented.
9:56 am	Mr. Skucas responded.
9:58 am	Mr. Matthews replied with Court questions.
10:04 am	Mr. Skucas gave further comments as to subchannel relative to Claim 1 and Claim 3.
10:06 am	Mr. Skucas gave Defendant's definition of control data .
10:07 am	Mr. Matthews interrupted saying they can remove the application and the term would be acceptable to Plaintiff. Defendants conferred.
10:08 am	Court adjourned for five minutes.
10:19 am	Court resumed asking the parties if they agreed to a definition for the term control data . Mr. Skucas presented term description acceptable to Defendant. Mr. Matthews agreed for Plaintiff.
10:20 am	Court asked for discussion on the term prohibited characters . Mr. Matthews presented definition.
10:24 am	Mr. Skucas gave response.
10:26 am	Court inquired of Mr. Matthews as to 8-bit characters. He responded. Court asked Defendant if there is any reference in the patent as to 7 bit characters. Mr. Skucas responded. Mr. Matthews responded. Court inquired as to reception and transmitting. Mr. Skucas and Mr. Matthews discussed. Court made suggestion as to definition of prohibited characters . Plaintiffs accept the court's definition. Mr. Skucas agreed on behalf of Defendants.
10:36 am	Court asked for discussion of suitable escape character . Mr. Skucas presented first definition. Mr. Skucas presented complementary check character .
10:44 am	Mr. Matthews responded giving definition of suitable escape character .
10:47 am	Mindful of our time, the Court asked for discussion of unmodified message making recommendation of definition. Defendants and Plaintiffs agree with the Court's definition.
10:54 am	Court would like to hear argument regarding sequence of steps . Mr. Matthews made initial term presentation. Discussion continued as to Claim 3. Mr. Matthews discussed issues relative to Claim 1 and Claim 3 as to sequence of steps.

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TIME:	MINUTES:
11:21 am	Mr. Skucas responded.
11:31 am	Mr. Mathews gave final word.
11:33 am	Court asked for discussion on motion for summary judgment. Mr. Skucas presented argument.
11:44 am	Mr. Johnson responded with clear and convincing evidence.
11:53 am	Mr. Skucas gave final word.
11:57 am	Court asked parties about mediation. Mike Patterson is mediator. Judge asked that the parties meet with Mr. Patterson to further discuss settlement. Decision on motion for summary judgment should be forthcoming within 30 days. Terms not discussed will be determined based on briefings.
12:00 pm	There being nothing further, Court recessed.